

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF NORTH CAROLINA  
CHARLOTTE DIVISION  
3:11cv391-MOC-DCK**

<b>RAYMOND A. JOHNSON,</b>	)	
	)	
	)	
<b>Plaintiff, pro se,</b>	)	
<b>Vs.</b>	)	<b>ORDER ADOPTING RECOMMENDATION OF MAGISTRATE JUDGE</b>
<b>OGLETREE, DEAKINS, NASH,</b>	)	
<b>SMOAK &amp; STEWART, P.C., C.</b>	)	
<b>MATTHEW KEEN, SHERA K.</b>	)	
<b>STEWART and BRIAN M.</b>	)	
<b>FREEDMAN,</b>	)	
<b>Defendants.</b>	)	
<hr/>		

**THIS MATTER** is before the court on review of a Memorandum and Recommendation by the Honorable David C. Keesler, United States Magistrate Judge, recommending that the court dismiss plaintiff's complaint [docket # 18]. Plaintiff has filed an objection to the recommendation [docket # 21]. Also pending before the court is a motion filed by plaintiff for recusal of Judge Keesler "for filed intent flase [sic] documents and statements to the Honorable Max O. Cogburn Jr. to Reasonably Deceive Plaintiff for a Fair Hearing Made with the Intent to Deceive." [docket # 20].

**FINDINGS AND CONCLUSIONS**

**I. Applicable Standard**

The Federal Magistrate Act provides that "a district court shall make a *de novo*

determination of those portions of the report or specific proposed findings or recommendations to which objection is made.” 28 U.S.C. § 636(b)(1); *Camby v. Davis*, 718 F.2d 198, 200 (4<sup>th</sup> Cir. 1983). However, “when objections to strictly legal issues are raised and no factual issues are challenged, *de novo* review of the record may be dispensed with.” *Orpiano v. Johnson*, 687 F.2d 44, 47 (4<sup>th</sup> Cir. 1982). Similarly, *de novo* review is not required by the statute “when a party makes general or conclusory objections that do not direct the court to a specific error in the magistrate judge’s proposed findings and recommendations.” *Id.* Moreover, the statute does not on its face require any review at all of issues that are not the subject of an objection. *Thomas v. Arn*, 474 U.S. 140, 149 (1985); *Camby*, 718 F.2d at 200. Nonetheless, a district judge is responsible for the final determination and outcome of the case.

## **II. Discussion**

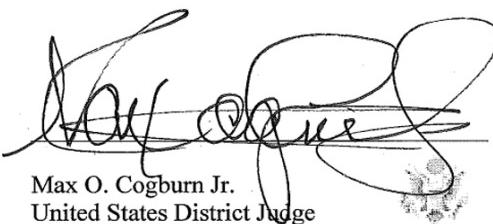
After a careful review of the magistrate judge’s recommendation on the motion to dismiss, the court is thoroughly satisfied that the magistrate judge correctly determined that plaintiff’s complaint should be dismissed. Thus, the court will adopt the M&R of the magistrate judge as its own.

### **ORDER**

**IT IS, THEREFORE, ORDERED** that the Memorandum and

Recommendation [docket # 18] is **ADOPTED** in full. Furthermore, plaintiff's motion to recuse Judge Keesler [docket # 20] is **DENIED**.

Signed: November 28, 2011



The image shows a handwritten signature in black ink, appearing to read "Max O. Cogburn Jr.". Below the signature, there is a small, faint, illegible stamp or seal.

Max O. Cogburn Jr.  
United States District Judge